

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Cayeula et al.

Confirmation No.: 5142

Appln No.: 09/856,969

Group No.: 1645

Filed: August 1, 2001

Examiner: Jana A. Hines

For: SELECTION AND USES OF LACTIC ACID BACTERIA STRAINS  
MODULATING NON-SPECIFIC IMMUNITYMail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## PETITION AND FEE FOR EXTENSION OF TIME 37 C.F.R. § 1.136(a)

1. This is a petition for an extension of time for a total period of five months to respond to the Office Action dated December 11, 2004.
2. Applicant is ☐ a small entity; ☒ other than a small entity.
3. Calculation of extension fee (37 C.F.R. § 1.17(a)(1)-(a)(5)):

Total Months  
RequestedFee for Other Than  
Small Entity

Five months

\$2,160.00

*\*Cannot be used to exceed six-month statutory limit for response to an Official Action.*

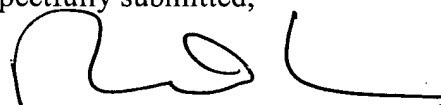
- ☒ A check in the amount of \$2,160.00 is enclosed.
- ☒ Charge Deposit Account No. 16-0605 for the extension fee.
- ☒ Charge Deposit Account No. 16-0605 for any fee deficiency.

12/21/2004 KBETEM1 00000078 09856969

01 FC:1255

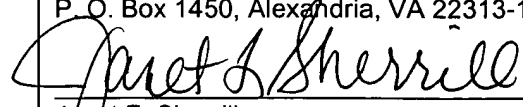
2160.00 OP

Respectfully submitted,

Raymond O. Linker, Jr.  
Registration No. 26,419Customer No. 00826  
ALSTON & BIRD LLP  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on December 17, 2004.

  
Janet F. Sherrill